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**FACSIMILE TRANSMITTAL SHEET &  
CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8**

**TO: Assistant Commissioner of Patents  
United States Patent and Trademark Office  
Attn: Examiner William W. Moore**  
Fax No. (703) 872-9306 703-746-3169  
Phone No. (703) 308-0583

*I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on June 24, 2002, to the above-identified facsimile number.*



(Signature)

**FROM: Brent M. Peebles**  
Fax No. (513) 626-1355  
Phone No. (513) 626-2404

Listed below are the item(s) being submitted with this Certificate of Transmission:

- 1) Transmittal for Response;
- 2) Restriction Requirement/Election of Species (2 pages);
- 3) Preliminary Amendment (1 page)

Number of Pages Including this Page: 17

Inventor(s): Rubingh et al.

S.N.: 09/646,982

Filed: 3/25/1999

Conf. No.: 3853

Case: 7071

**Comments:**

To Whom It May Concern:



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**FROM: Brent M. Peebles  
Fax No. (513) 626-1355  
Phone No. (513) 626-2404**

Listed below are the item(s) being submitted with this Certificate of Transmission:

- 1) Transmittal for Response;
- 2) Restriction Requirement/Election of Species  
(2 pages)

Number of Pages Including this Page: 4

Inventor(s): Rubingh et al.  
S.N.: 09/646,984  
Filed: 9/25/2000  
Conf. No.: 3865  
Case: 7070

Comments:

To Whom It May Concern:

JUN-24-2002 11:40

P&G PATENT DIV SWTC  
 IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
 RESPONSE/AMENDMENT

513 6261355 P.04/06

Case Docket No. 7070

BOX NON FEE  
 ASSISTANT COMMISSIONER FOR PATENTS  
 WASHINGTON, D.C. 20231

Dear Sir:

Transmitted herewith is a RESPONSE TO RESTRICTION REQUIREMENT for the patent application:

Inventor(s): D. N. Rubingh et al. Confirmation No. 3865

Serial No.: 09/646,984

Group Art Unit: 1652

Date Filed: 9/25/2000

Examiner: William W. Moore

Title: Serine Protease Variants Having Amino Acid Deletions and Substitutions

1. ☒ No additional fee is known to be required.
2. ☐ The fee has been calculated as shown below:

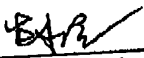
|                                           | (Col. 1)                                  |       | (Col. 2)                              | (Col. 3)          | OTHER THAN A<br>SMALL ENTITY |     |
|-------------------------------------------|-------------------------------------------|-------|---------------------------------------|-------------------|------------------------------|-----|
|                                           | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |       | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA* | RATE                         | FEE |
| TOTAL                                     | *                                         | MINUS | **                                    | =                 | x \$18 =                     | \$  |
| INDEP.                                    | *                                         | MINUS | ***                                   | =                 | x \$80 =                     | \$  |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |                                           |       |                                       |                   | + \$270 =                    | \$  |
|                                           |                                           |       |                                       |                   | TOTAL                        | \$  |

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the highest number of total claims previously paid for is less than 20, write "20" in this space.

\*\*\* If the highest number of independent claims previously paid for is less than 3, write "3" in this space.  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

3. ☐ The Commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action dated in the above-identified application to preserve pendency of said application. The processing fee under 37 CFR §1.17 has been determined as follows: \$ for a -month extension of time.
4. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-2480. A duplicate copy of this sheet is attached.
  - a. ☒ Any patent application processing fees under 37 CFR §1.16.
  - b. ☒ Any patent application processing fees under 37 CFR §1.17.
5. The Commissioner is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 16-2480.

  
 Brent M. Peebles  
 Attorney for Applicants  
 Registration No. 438,576  
 Tel. No. (513) 626-2404

June 24, 2002

Cust m r No. 27752

Case 7070

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of :  
Donn Nelson Rubingh et al :  
Serial No. 09/646,984 :  
Confirmation No. 3865 : Group Art Unit 1652  
Filed September 25, 2000 : Examiner W.W. Moore  
For SERINE PROTEASE VARIANTS HAVING AMINO ACID  
DELETIONS AND SUBSTITUTIONS

#13  
Hqj  
7/31/02**RESPONSE TO RESTRICTION REQUIREMENT/ELECTION OF SPECIES**

Box Non-Fee

Assistant Commissioner of Patents

Washington, DC 20231

Dear Sir:

This is responsive to the Office Action mailed on May 23, 2002, setting a one-month period for response, providing for a timely response up to and including June 24, 2002 (June 23, 2002 falls on a Sunday).

**Response to Restriction Requirement of Claims 1-23**

The Office Action states that the restriction to one patentably distinct species of inventions is required under 35 USC §121 and §372. Applicants respectfully traverse the Restriction Requirement because there is no serious burden placed on the Examiner to consider all claims.

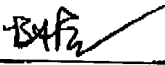
Claims 1, 2, 11-16, 18, 20-22, 24, 26, and 27 require a deletion of one or more of positions 70-84 corresponding to subtilisin BPN'. Claims 17, 19, 23, 25, and 28 require a deletion of one or more of positions 70-84 corresponding to subtilisin BPN' and also a substitution of one or more of positions 70-84 corresponding to subtilisin BPN'. Thus, claims 1, 2, and 11-28 all consider deletions and substitutions at positions 70-84 of subtilisin BPN'. Applicants submit that the deletion and substitution positions in claims 1, 2 and 11-28 are so closely related that it would not present an undue burden on the Examiner to examine the art based on those specific positions.

For these reasons, Applicants submit that the restriction requirement applied to Claims 1, 2 and 11-28 of the above identified application is improper and should be withdrawn.

Provisional Election

In the event that the Examiner's election is made final, Applicants hereby provisionally elect Group I (claims 1, 2, 11-16, 18, 20-22, 24, 26, and 27). Applicants reserve the right to pursue the non-elected claims in one or more divisional applications.

Respectfully submitted,  
Donn Nelton Rubingh, et al.

By   
Brent M. Peebles  
Attorney for Applicants  
Registration No. 38,576  
(513) 626-2404

June 24, 2002

Customer No. 27752